

## City Council Meeting - 12/11/2012

[09:02:57]

>> Mayor Leffingwell: A quorum is present so we'll call this work session of the austin city council to order on tuesday, DECEMBER 11th, 2012.

We're meeting in the boards and commission room, austin city hall, 301 west second street, austin, texas.

The time is 9:05 a.m.

So we really only have one item.

Before we take up that item, councilmember martinez has asked for a minute to speak on a point of personal privilege.

We can't discuss identify.

>> Martinez: We're not posted for this so I'm going to throw this out for all of us to hear and maybe discuss at a later date but for specifically to city manager and city attorney.

Don't want to raise a big fuss about this but we've had an issue on the trail where the health department has precluded putting water on the trail for health reasons.

Run tex does this at a personal expense of over \$100,000 a year.

It's a tremendous benefit to the people who use the

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trail.

It's a benefit to us because we don't have to pay for refilling those water tanks.

And I get it.

They cited a health concern of potential tampering with them so now they are requiring them to go and fill those containers through a licensed commissary and then build a structure around them to secure them from tampering.

And I understand the public health concern, but we have water jugs at every golf course in town and I dare say they are not secure and a water fountain, for that matter, is not necessarily tamper proof.

I just hope that we can come up with some common sense approaches to addressing these concerns because we have hundreds if not thousands of runners a day that use the trail and this is a huge service that they provide at absolutely no cost to us.

So I'm just hoping we can find some common ground and resolve the issue quickly.

Thank you, mayor.

>> Mayor Leffingwell: So council, for this morning we only have one pre-selected item so we'll go ahead and take that item up and then go into executive session.

And I believe that item was pulled by councilmember morrison.

>> Morrison: Thank you, mayor.

Yes, I pulled item number 12, which is a -- our first family business loan asking for approval, and I am going to need some help from -- and discussion from economic growth, and it's also been involved with planning and development review.

The issue that arose is that the loan sounds like a wonderful project, for a wonderful project in the , but i started asking questions because it's a entertainment venue and I had some discomfort.

I thought there was concern about potentially spread of entertainment districts and

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all that.

So as we started looking at it, we started looking at the zoning that's allowed -- what land uses are allowed there and questions arose because indoor entertainment is prohibited, outdoor entertainment is prohibited, community events are prohibited in the zoning and so the director of egrso has helped us with that and i think it would be helpful if you brought us up to date on what's going on and what the history is, how it's going to be resolved.

And for me it raises some questions about interpretations that maybe we need to get resolved.

>> Thank you, yes, kevin johns, director egrso.

As you know, this is our first proposed family business loan program, and our focus is to revitalize the -- our innercity neighborhoods and to implement the t.o.d. plans.

And so, of course, we're very cognizant of what those plans are.

And our goal is to be a catalyst for development that is consistent with the plans.

So several months ago on this particular development, which is a \$5 million development which is a theater that has as its goal a multipurpose convention, business center, wedding center, but also would show movies and have theater and plays and music.

Which also has a restaurant and a parking deck for development of about \$5 million.

And our discussions began about four or five months ago with the planning department, and up until recently we were operating under the assumption it was

[09:08:00]

an approved use in the t.o.d. zoning.

And the -- the business owner has been operating under the same premise.

His application has said that it is a theater use and the uses that I've described to you are also included in that, so it is kind of a combination of uses.

And in our discussions to move this forward, it has been -- the loan has been set up by the bank based upon it having the appropriate zoning.

The owner has approved all the architectural renderings have been prepared, he's taken out a loan, the property has been optioned so these moved forward over the last few months to pull this together.

And so I guess where we stand today is that the -- one of the -- the planning review or one of the planning reviewers has had second thoughts and I think that the issue that you outlined is the correct issue.

This is kind of a hybrid.

It's not a clear-cut it's this or it's that, it's a combination.

It's kind of like the alamo draft house.

And so it doesn't fall into a specific category that is easily discernible.

And so based upon that, friday we received an email from the planning department and they questioned whether it was an allowable use.

And so we have convened again with planning department, we met with them yesterday, and they are meeting the next couple of days to review it again.

Originally it was considered an approved use and then there's been second thoughts

[09:10:01]

because of the things we discussed, because of the amount of music that's involved.

And I hope that it will be resolved one way or another.

I hope it will be resolved so that the development can go forward.

As you'll recall, the -- the economic impact of doing this project would be -- would be pretty substantial.

It would be 30 jobs.

51% Would be for low and moderate income people in the neighborhood who could walk to the position.

It would be the first major new development in the saltillo plaza area.

It would allow suburbanites to use the train and I'm hopeful it will be resolved in the next couple of days.

But because it came up unexpectedly on friday, i did pull it.

>> Morrison: I appreciate that, kevin, and I think that, you know, I wasn't on

the council and I wasn't involved in the development and the land use plan and so i don't really have a real strong sense of what the goals and priorities were, but when I look at the land use table for this property, what's allowable for the property, a theater is permitted, but then it goes into some prohibited uses that sound sort of as a crossover here prohibited uses include indoor entertainment, outdoor entertainment and community events.

And so I think this is an important discussion to have and especially to be able to track back to what the intent of the -- of the plan was and the vision for what kind of uses were going to be there so I hope that we can get this sort of all on the table because obviously a theater will host performances.

What kind of performances and when does something change from a theater performance to indoor

[09:12:03]

entertainment.

And if the planning department is going and try and sort through that now, i think it would be good to



touch base with the community and some folks that were around when this particular plan was in place because something was intended and I'm not sure exactly what that was.

And if we need to get clarification at the council level, we can get that clarification.

>> I know the planning department is very keen to get clarity on this as well because our goal is to revitalize all nine of the transit villages.

And so how you place music and how you place entertainment in those contexts is extremely important.

And the theater, I will reiterate, is an allowable use, but these tangential uses that would also improve the profitability of the project fall outside that use.

So I'm very hopeful that we can get this resolved in the next couple of days.

>> Morrison: I guess a performance is allowed as long as it doesn't entertain you.

[Laughter]

>> you know, I think they allow musicals, but only good musicals.

>> Morrison: Right.

Okay, I appreciate your work on that, if you could keep us posted.

>> We're hopeful we can get this resolved shortly.

>> Mayor Leffingwell: Only good music.

Good is in the eye of the beholder.

Councilmember tovo.

>> Tovo: I didn't completely catch about pulling it.

Does that mean you are pulling it from this week's agenda?

>> Yes.

The planning department is regrouping, the developers -- we just want to have absolute clarity before we go forward.

>> Morrison: Great.

>> Thank you.

>> Mayor Leffingwell: Okay, so attorney is here on the clock so pursuant to 071 of the government code, council will consult

with legal counsel regarding  
the follow item, e-1, legal  
issues related to the  
november 6, 2012 election.

Without objection, we'll  
good into executive session

[09:14:00]

on this item.

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>> So the next item we can take  
up on our agenda is a discussion  
of any item on the agenda.

Remembering that there's not  
necessarily going to be staff  
here to address any questions  
you might have from them.

Before we start, a reminder we  
can't discuss items 95 through  
98.

Those are the late posted items  
and, of course, 72 hours has not  
elapsed since they were close to  
it at 9:59 on monday morning.

[10:42:07]

All right?

>> I have a quick one.

So we have just a couple of  
proclamations today -- not  
today -- I mean not today, on  
thursday.

We have a group that's requested  
a time certain and that's the  
little -- that's some on the

brentwood neighborhood  
association who would like a  
time certain for the little  
woodrow's case.

So I'm looking for some guidance  
about what time is the most  
appropriate.

I know we usually don't make  
time certain for earlier than  
6:30.

But in this case, we might do  
that.

>> Mayor Leffingwell: Yeah, we  
,  
00 --

>> Tovo: I guess I meant after  
break.

Time certain events after break.

They've requested 6:00.

They requested 6:00.

30 because of  
the dinner break.

Since we only have two  
proclamations, I wanted to get  
guidance as to what could be  
back by 6:00.

>> Mayor Leffingwell: I don't  
know, I don't know the answer to  
that question.

It depends.

It's highly unlikely.

00 public hearings, i  
don't believe, posted.

No wait -- 2:00 public hearings.

So, it's just your preference  
whatever time you want to  
suggest as the earliest possible  
time to hear that item.

And then, I mean, in the past  
like last week, there was an  
30, didn't get  
back until almost 7:00.

So you can hear the item any  
time after the posted time.

If you want a recommendation for  
me, I'd say 6:00.

>> Go ahead with 6:00.

Get to it.

>> Mayor Leffingwell: All

[10:44:00]

right, we'll do that.

>> Tovo: All right.

>> Mayor Leffingwell: I think  
you'll probably have to --  
you'll have to bring it up  
formally pulling it off of the  
agenda for the time certain of  
6:00 at the meeting.

Anything else?

Any other items for discussion  
except for 95 through 98?

All right.

That's all we have on our agenda, then.

Without objection.

We stand adjourned at 10:45 a.m.